



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/637,185	08/08/2003	Bryan M. Kelly	59027-8001.US12	2927
22918	7590	08/23/2004		
PERKINS COIE LLP			EXAMINER	
P.O. BOX 2168			CHIU, RALEIGH W	
MENLO PARK, CA 94026			ART UNIT	PAPER NUMBER
			3711	

DATE MAILED: 08/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

7W

***Response to Preliminary Amendment***

1. The preliminary amendment filed with the application is considered non-compliant because it has not been submitted in the format required under 37 CFR 1.121, as amended on 30 June 2003 (see 68 Fed. Reg. 38611). In order for the amendment document to be compliant, correction of the flowing item(s) is required. **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

Specifically,

- a. applicant cancels claims 7-12, 32-42 and 47-50 but only claims 1-24 are present;
- b. applicant indicates election of claims 25-31 and 43-46 but only claims 1-24 are present; further, amendment documents submitted to co-pending applications are not transferred.
- c. applicant presents claims 25-31 and 43-46 but such presentation is not in the format required by 37 CFR 1.121.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at

<http://uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

Art Unit: 3711

Applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes the preliminary amendment(s). This notice is not an action under 35 USC 132, and **this ONE MONTH time limit is not extendable.**

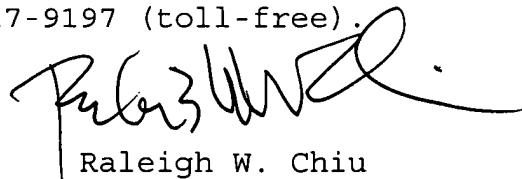
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raleigh Chiu whose telephone number is (703) 308-2247. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich, can be reached on (703) 308-1513.

The fax number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Raleigh W. Chiu  
Primary Examiner  
Technology Center 3700